

# EXHIBIT 6

## Nick Spear

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**From:** Nick Spear  
**Sent:** Wednesday, April 5, 2023 3:05 PM  
**To:** Andrew Michaelson - King & Spalding LLP (amichaelson@kslaw.com)  
**Cc:** Suzanne Nero - King & Spalding LLP (snero@kslaw.com); Luke Roniger; Meghan Strong - King & Spalding LLP (mstrong@kslaw.com); Oleg Elkhunovich; james@taylorcopelandlaw.com; Max Ambrose - Taylor-Copeland Law (maxambrose@taylorcopelandlaw.com); Simon DeGeorges  
**Subject:** RE: Feinstein Deposition Scheduling

Andrew,

I am following up on our meet and confer this morning. We do not agree to an additional deposition of Dr. Feinstein or supplemental briefing. It is undisputed that Dr. Feinstein's rebuttal declaration is a response to (a) your opposition to class certification, and (b) the expert report of Dr. Attari, which was submitted with your class cert opposition. It is also undisputed that you deposed Dr. Feinstein over multiple hours in January 2023—at your request—and crossed him on the exact topics you now claim warrant a new deposition. You have not identified any material discrepancies between Dr. Feinstein's deposition testimony and his rebuttal declaration. You have also not cited any statute, rule, or case law that justifies an additional class certification deposition of Dr. Feinstein, nor explained why an additional deposition of Dr. Feinstein is warranted under Federal Rule of Civil Procedure 30(a)(2)(A)(ii).

Please let me know if you'd like to discuss this issue further.

Sincerely,

Nick

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**From:** Andrew Michaelson <amichaelson@kslaw.com>  
**Sent:** Wednesday, April 5, 2023 4:55 AM  
**To:** Nick Spear <NSpear@susmangodfrey.com>  
**Cc:** Suzanne Nero <snero@kslaw.com>; Luke Roniger <LRoniger@KSLAW.com>; Meghan Strong <MStrong@KSLAW.com>; Oleg Elkhunovich <oelkhunovich@SusmanGodfrey.com>; james@taylorcopelandlaw.com; Max Ambrose - Taylor-Copeland Law (maxambrose@taylorcopelandlaw.com) <maxambrose@taylorcopelandlaw.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>  
**Subject:** Re: Feinstein Deposition Scheduling

### EXTERNAL Email

I can do 9:15 am PT.

Andrew

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**From:** Nick Spear <[NSpear@susmangodfrey.com](mailto:NSpear@susmangodfrey.com)>  
**Sent:** Wednesday, April 5, 2023 12:37:39 AM  
**To:** Andrew Michaelson <[amichaelson@kslaw.com](mailto:amichaelson@kslaw.com)>  
**Cc:** Suzanne Nero <[snero@kslaw.com](mailto:snero@kslaw.com)>; Luke Roniger <[LRoniger@KSLAW.com](mailto:LRoniger@KSLAW.com)>; Meghan Strong <[MStrong@KSLAW.com](mailto:MStrong@KSLAW.com)>; Oleg Elkhunovich <[oelkhunovich@SusmanGodfrey.com](mailto:oelkhunovich@SusmanGodfrey.com)>; [james@taylorcopelandlaw.com](mailto:james@taylorcopelandlaw.com) <[james@taylorcopelandlaw.com](mailto:james@taylorcopelandlaw.com)>; Max Ambrose - Taylor-Copeland Law ([maxambrose@taylorcopelandlaw.com](mailto:maxambrose@taylorcopelandlaw.com))

<[maxambrose@taylorcopelandlaw.com](mailto:maxambrose@taylorcopelandlaw.com)>; Simon DeGeorges <[SDeGeorges@susmangodfrey.com](mailto:SDeGeorges@susmangodfrey.com)>

**Subject:** RE: Feinstein Deposition Scheduling

**CAUTION: MAIL FROM OUTSIDE THE FIRM**

Andrew,

We are available to meet and confer about this. I am pretty tied up after 10am and out early due to Passover—would you be able to discuss between 830 and 10am?

-Nick

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**From:** Andrew Michaelson <[amichaelson@kslaw.com](mailto:amichaelson@kslaw.com)>

**Sent:** Tuesday, April 4, 2023 4:30 PM

**To:** Nick Spear <[NSpear@susmangodfrey.com](mailto:NSpear@susmangodfrey.com)>

**Cc:** Suzanne Nero <[snero@kslaw.com](mailto:snero@kslaw.com)>; Luke Roniger <[LRoniger@KSLAW.com](mailto:LRoniger@KSLAW.com)>; Meghan Strong <[MStrong@KSLAW.com](mailto:MStrong@KSLAW.com)>

**Subject:** Feinstein Deposition Scheduling

**EXTERNAL Email**

Hi Nick,

In connection with Lead Plaintiff's Reply in Support of Motion for Class Certification, you have attached in support a new, second expert report from Dr. Feinstein that expresses new opinions and conclusions. In the new report, Dr. Feinstein addresses subjects that were not covered in his initial report and that he had not considered at the time of his deposition. At a minimum, Defendants are entitled to examine and respond to Dr. Feinstein's second report, and request an opportunity to depose him a second time. Given the current hearing date for the class certification motion, time is tight. Accordingly, please let us know right away if you will make Dr. Feinstein available for a deposition next week (the week of April 10), and we reserve all rights to seek other relief.

Thanks,

Andrew

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**Andrew Michaelson**

*Partner*

T: +1 212 790 5358 | M: +1 646 244 0663 | E: [amichaelson@kslaw.com](mailto:amichaelson@kslaw.com) | [Bio](#) | [vCard](#)

King & Spalding LLP  
1185 Avenue of the Americas  
34th Floor  
New York, NY 10036



[kslaw.com](http://kslaw.com)

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